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**OFFICE OF PETITIONS**

In re Application of  
Stephenson et al.  
Application No. 09/824,132  
Filed: April 3, 2001  
Attorney Docket No. 00479.00001

ON PETITION

This is a decision on the petition under 37 CFR 1.78(a)(6), filed November 24, 2004, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of prior-filed Provisional Application No. 60/196,096, filed April 11, 2000.

The petition is **DISMISSED AS MOOT**.


A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000.

The instant pending nonprovisional application was filed on April 3, 2001, and was pending at the time of filing of the instant petition. While a reference to the above-noted, prior-filed application was not included in an ADS or in the first sentence of the specification following the title, reference nevertheless was made in an amendment submitted on August 3, 2001, which was within four months of the filing date, complying with 37 CFR 1.78(a)(5)(ii). Although the amendment did not properly revise the first sentence of the specification following the title to include a reference to the above-noted, prior-filed application, the Office nevertheless noted the claim for priority. Accordingly, the instant petition is dismissed as moot.

In view of the above, the \$1370.00 petition fee submitted is unnecessary and will be credited to petitioner's deposit account in due course.

Any questions concerning this decision on petition may be directed to Paralegal Liana Chase at (571) 272-3206. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to the Examiner of Technology Center AU 2145 to await a response to the final Office action mailed on April 7, 2005.

  
Frances Hicks  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy